

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRANDON MOODY, : Civil No. 3:18-cv-53

Plaintiff : (Judge Mariani)

v.

JOHN WETZEL, et al.,

Defendants :

FILED
SCRANTON

JUL 19 2023

PER _____
DEPUTY CLERK

ORDER

AND NOW, this 19th day of July, 2023, upon consideration of Defendants' motion (Doc. 151) to consolidate this action pursuant to Federal Rule of Civil Procedure 42(a) with an overlapping case in the United States District Court for the Eastern District of Pennsylvania, *Moody v. Harry, et al.*, No. 23-cv-770 (E.D. Pa.), and the Court finding that the two cases involve common questions of law or fact, the defendants in both lawsuits are represented by the same counsel, the instant action has been pending for several years and is well into discovery, the efficient administration of justice and promotion of convenience for both the Court and the parties will be best facilitated through consolidation, and the overall costs of litigation should be reduced, see FED. R. CIV. P. 42(a); see also *Johnson v. Manhattan R. Co.*, 289 U.S. 479, 496-97 (1933) ("[C]onsolidation is permitted as a matter of convenience and economy in administration..."); *A.S. ex rel. Miller v. SmithKline Beecham Corp.*, 769 F.3d 204, 212 (3d Cir. 2014) ("[U]nder [Rule 42(a)], district courts have 'broad power' to consolidate cases that share 'common question[s] of law or fact.'") (quoting

Ellerman Lines, Ltd. v. Atl. & Gulf Stevedores, Inc., 339 F.2d 673, 675 (3d Cir. 1964)), and the Court further observing that the United States District Court for the Eastern District of Pennsylvania has granted a similar motion to consolidate filed by Defendants and has consolidated the Eastern District action with the above-captioned action, see *Moody v. Harry, et al.*, No. 23-cv-770 (E.D. Pa.), Doc. 17, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 151) to consolidate is **GRANTED**.
2. The civil action at Docket No. 2:23-cv-770 in the United States District Court for the Eastern District of Pennsylvania (*Moody v. Harry, et al.*) is **CONSOLIDATED** into the above-captioned action.



Robert D. Mariani
United States District Judge